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**Promotion and protection of the rights of children:**

**promotion and protection of the rights of children**

### **Effective prevention strategies in combating the sale and sexual exploitation of children**

#### **Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid, in accordance with Assembly resolution 67/152.

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\* A/68/150.



## **Report of the Special Rapporteur on the sale of children, child prostitution and child pornography**

### *Summary*

The present report is submitted pursuant to General Assembly resolution 67/152. The Special Rapporteur describes her activities in relation to the discharge of her mandate since her previous report to the Assembly (A/67/291).

In the report, the Special Rapporteur also analyses the key role of efficient prevention strategies in combating the sale and sexual exploitation of children and makes specific recommendations on how to establish comprehensive, proactive, effective and sustainable prevention within a rights-based comprehensive child protection system.

## **I. Working methods and activities**

### **A. Working methods**

1. In its resolution 67/152, the General Assembly requested the Special Rapporteur on the sale of children, child prostitution and child pornography to continue to submit reports to the Assembly and the Human Rights Council on the activities undertaken in the fulfilment of her mandate. The present report contains information on the activities undertaken from August 2012 to August 2013 and provides the Special Rapporteur's analysis of the key role of effective prevention strategies in combating the sale and sexual exploitation of children.

### **B. Activities**

#### **1. Human Rights Council**

2. In her annual report, submitted to the Human Rights Council at its twenty-second session (A/HRC/22/54), the Special Rapporteur focused her research on the protection of children from sexual exploitation in travel and tourism. There were two addenda to her report: the first dealing with her visit to Guatemala (20-29 August 2012), and the second with her visit to Honduras (30 August-7 September 2012).

#### **2. Country visits**

3. The Special Rapporteur undertook official visits to Kyrgyzstan, from 15 to 26 April 2013, and Madagascar, from 15 to 26 July 2013. The Special Rapporteur has yet to receive replies to her requests for invitations from Benin, Cambodia, Canada, Gambia, Nepal, Nicaragua, Nigeria, Viet Nam and Venezuela (Bolivarian Republic of), as well as confirmation of the new dates for her visit to India, which was postponed by the Government in April 2012.

#### **3. Conferences, seminars and engagement with civil society**

4. The Special Rapporteur participated in numerous conferences and seminars during the period under review. On 6 and 7 August 2012, she attended a workshop on human rights and technology at Stanford University, United States of America. From 9 to 11 August, she participated as a lecturer in a summer course on child rights organized by the University of Moncton, Canada. In Geneva, on 28 September, she participated in the day of general discussion of the Committee on the Rights of the Child on migrant children. She delivered a keynote speech at the World Congress for the Rights of Children and Adolescents in San Juan, Argentina, on 16 October. She participated in the General Assembly of Plan International held in Brighton, United Kingdom of Great Britain and Northern Ireland, from 23 to 25 October. She participated in the Fourth Regional Workshop on Police and Gendarmerie Training on Child Protection organized in Lomé from 5 to 9 November by the United Nations Children's Fund (UNICEF), the International Bureau for Children's Rights and Save the Children. She participated in a conference on child protection systems organized in New Delhi from 13 to 16 November by UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), Save the Children and World Vision. She delivered a keynote speech at the Virtual Global Taskforce conference on child safety online, held in Abu Dhabi from 11 to

13 December 2012. She delivered a keynote speech at a International Criminal Police Organization (INTERPOL) conference on crimes against children, held in Bangkok from 19 to 21 March 2013. On 28 and 29 May, she participated in a conference organized by UNICEF in the Dominican Republic on good practices relating to the prevention of sexual exploitation of children and adolescents in travel and tourism. She made a presentation at a seminar organized by Samu Social in Paris from 6 to 11 June, on the issue of street children. A keynote speech was delivered on her behalf at an ECPAT conference organized in Warsaw on 13 and 14 June on the protection of children in the framework of mega events. She also participated in a regional consultation organized by ECPAT in Addis Ababa on 1 and 2 August 2013 on actions to stop the commercial sexual exploitation of children in Africa.

## **II. Efficient prevention strategies in combating the sale and sexual exploitation of children**

### **A. Introduction**

#### **1. Context**

5. Prevention is widely recognized as a priority concern and critical dimension of the fight against the sale of children, child prostitution and child pornography. In the child rights framework, prevention lies at the core of child protection. Articles 34 and 35 of the Convention on the Rights of the Child expressly concentrate on the obligation of States to take preventive measures to protect children from sexual abuse and exploitation, and from the sale of and trafficking in children. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography contains a set of detailed measures State parties are required to adopt for prevention. In his 2006 report (A/61/299), the independent expert for the United Nations study on violence against children emphasized that all violence is preventable and called for prioritizing prevention. The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents also underscores the importance of prevention. Throughout all her thematic and country reports, the Special Rapporteur has emphasized the importance of preventive actions and has described the good practices as well as the challenges faced in this area.

6. Despite numerous initiatives aimed at preventing the sale and sexual exploitation of children, a high number of children worldwide continue to be the victims of such crimes. Preventive actions often involve sporadic and scattered activities that fail to address the various underlying factors in a systematic, holistic and sustainable manner. As a result, they are frequently inadequate to ensure effective protection to children over the long run.

7. The multidimensional, complex and evolving underlying factors of the sale and sexual exploitation of children require the establishment of comprehensive, proactive and sustainable prevention strategies before violations occur and reoccur time and again.

8. Furthermore, prevention is cost-effective. The costs of response interventions are much higher than those of preventive measures. Society pays a high price in

socioeconomic terms for the long-term effects of harm, in particular owing to the irreversible consequences to a child's health and development.<sup>1</sup> Investing in prevention is therefore not only a legal and moral obligation for the protection of children's rights. It also holds significant positive value for the State and society.

## **2. Objective of the report**

9. The present report aims to provide a practical understanding of the various dimensions of the prevention of the sale and sexual exploitation of children and the integrated, multisectoral approach needed for effective prevention strategies. It seeks to contribute to the strengthening of child protection systems and, more broadly, to advancing the realization of children's rights.

10. The report is based on the work undertaken by the Special Rapporteur and her predecessors, including through country visits; on reports and studies of United Nations human rights mechanisms and agencies, and other regional and international organizations, including non-governmental organizations; and on academic research.

## **B. Framework and concepts**

### **1. International and regional standards and instruments**

11. Major international standards and instruments related to the sale and sexual exploitation of children devote significant attention to prevention and provide guidance on the types of measures, processes and partnerships States are expected to undertake in order to avoid and mitigate harm.

12. The Convention on the Rights of the Child obliges States to take "all appropriate national, bilateral and multilateral measures" to prevent the sale and sexual exploitation of children, emphasizing its transnational nature. The Optional Protocol on the sale of children, child prostitution and child pornography contains a specific section on prevention, which specifies the nature of those measures.

13. Other main international legal instruments include the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, International Labour Organization (ILO) Convention No. 105 (1957) concerning the Abolition of Forced Labour and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

14. Relevant regional legislation in this regard includes the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the African Charter on the Rights and Welfare of the Child, the Inter-American Convention on International Traffic in Minors, and the South Asian Association for Regional Cooperation Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The European Union has adopted a number of

<sup>1</sup> See, for example, Joan Durrant, "From mopping up the damage to preventing the flood: the role of social policy in preventing violence against children", *Social Policy Journal of New Zealand*, No. 28 (2006).

directives in order to reinforce the protection of children against sexual exploitation, including directive 2011/92/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography.

15. Additional relevant international commitments, namely the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), the Yokohama Global Commitment (2001), and the Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children (1996), underline the critical value of prevention.

## 2. Defining prevention

16. Prevention focuses on interventions that aim to avoid harm or mitigate its effects and ensure that children who have already been the victims of violations are not revictimized. It consists in influencing current behaviour and conditions in order to alter future outcomes.<sup>2</sup>

17. Child protection literature and practice identify three main layers of prevention:

(a) Primary prevention focuses on the entire population and consists in the provision of universal quality social services that reduce the likelihood of future problems;

(b) Secondary prevention concentrates on specific groups or children which are known to be more at risk by providing additional, targeted, support services;

(c) Tertiary prevention consists in services targeting perpetrators and/or victims in order to limit the effects of the violation and prevent reoffending.

18. Addressing these layers requires a combination of actions that are at once proactive and reactive, universal and targeted.

19. Prevention is integral to an effective, rights-based child protection system. The 2008 UNICEF Child Protection Strategy (E/ICEF/2008/5/Rev.1) defines a child protection system as the coordinated set of laws, policies, regulations and services needed across all social sectors — especially social welfare, education, health, security and justice — to support prevention and response to protection-related risks. It coexists and intersects with numerous other systems, such as social protection, education, health and justice, which all influence children's lives and underlines the continuum between response, promotion and prevention.<sup>3</sup> A systems approach focuses on the linkages between the child protection system and the economic, social, political and cultural context in which it operates. The status of children in turn influences how the system functions over the long term.<sup>3</sup>

20. From a practical perspective, this means that preventive measures need to address a range of child rights issues, namely the overall environment for child protection and its nexus, through multiple policy sectors.

<sup>2</sup> M. W. Stagner and J. Lansing, "Progress toward a prevention perspective", *The Future of Children*, vol. 19, No. 2 (2009).

<sup>3</sup> F. Wulczyn and others, working paper entitled "Adapting a systems approach to child protection: key concepts and consideration" (UNICEF, UNHCR, Chapin Hall at the University of Chicago, Save the Children, 2010).

### 3. Vulnerability of children

21. Effective prevention seeks to reduce the vulnerability of children to sale and sexual exploitation. The concept of vulnerability generally refers to potential harm caused by certain facts or situations.

22. Vulnerability is a function of:

(a) The risks to which children are exposed, namely, the likelihood for a child to enter in harmful situations. It includes the various elements that determine the context in which the child evolves, namely, political, institutional, cultural, legislative, socioeconomic, environmental and globalization context;

(b) The ability of the child to resist these risks and/or mitigate their effects, in other words, the child's resilience.<sup>4</sup>

23. The above-mentioned two dimensions are closely interrelated. They depend on the strength of the protective environment around children.

24. An understanding of the different kinds and levels of vulnerabilities faced by children in diverse situations is a corner stone of an adequate preventive strategy.

25. "Push factors" focus on the child in a given context and situation. They highlight the failure of the environment to protect children and the reasons why children may be driven or "pushed" away. Risks arise from the situation of the child him or herself, the child's immediate environment such as the family or the community, or the broader political, social, economic, institutional and cultural context. The vulnerability of a child depends on social norms within the community, the availability of adequate social services, and the adaptation of the environment to his or her needs, among other factors.

26. "Pull factors" refer to the elements that draw children into exploitative situations. They include both the reasons why some children may be lured into sexual exploitation and the demand side that creates conditions for harm. New technologies, globalization, criminal networks and external shocks, such as economic crises, conflicts or natural disasters, all affect the nature of risks and the exposure of children to them.

27. Pull factors are closely related to push factors. They are interdependent and together determine the vulnerability of children. They also help to define relevant approaches to building and strengthening a protective environment. It is therefore important that prevention strategies be constantly adapted to local contexts and the changing nature and extent of risks. Strategies need to take a systemic approach and envisage the coordinated strengthening of protective factors and the mitigation of risk factors, including through social norms, laws, policies, and services.

### C. Better understanding and knowledge of the multiple risk factors

28. Some factors affecting vulnerability are related to specific characteristics of the child or group of children. Nevertheless, such characteristics become risk factors

<sup>4</sup> D. Wenke, "From child protection to a child rights based state: strengthening, protecting and encouraging by comprehensive implementation of the Convention on the Rights of the Child" (UNICEF Switzerland, 2010).

when they are embedded in a broader pattern of discrimination and exclusion within society. The exposure of children to risk is a function of the way a child's specific characteristics play out in a given social and institutional environment. The broader environment may put children in specific situations that expose them to increase risk.

#### **1. Profile and status of the child**

29. The vulnerability of an individual child is influenced by various characteristics. A child is exposed to different kinds of risks, depending on age and development, hence the importance of a life course approach.

30. A gender perspective highlights the fact that boys and girls face different types of risks. Girls often face discrimination in accessing social services. In many societies, the right of girls to education is compromised owing to their unequal status, depriving them of an important protective element. Gender-based violence is a common feature across societies and is exacerbated in times of conflict and crisis. The sexual exploitation of girls has become a weapon of war, making victims subject to stigmatization and marginalization within their own communities. Boys are not immune to abuse. The exploitation of boys, including for prostitution, is often taboo, especially where homosexual relations are concerned, making prevention strategies even more difficult.

31. Further attributes that influence vulnerability include disability or belonging to a cast, ethnic minority or indigenous people. Such groups tend to face high levels of discrimination and multiple obstacles to reaching social services and enjoying economic opportunities.

32. Owing to various hardships in their environment and a lack of safety nets, children might find themselves in situations that make them particularly vulnerable.

33. Lack of birth registration is another significant risk factor since it makes a child officially invisible. It also constitutes a barrier to accessing the social services that are critical for prevention, including health and education.

34. Children living and working on the street lack the protective environment to counter potential traffickers and exploiters and may be forced into exploitative situations, including for survival. Girls belonging to gangs can be subject to sexual violence and exploitation by male gang members. Child labourers, particularly girls engaged in domestic work, are vulnerable to exploitation. Child migrants, especially children migrating on their own, are easy prey to traffickers. Furthermore, when migrating to new places, children and families often leave behind social support networks, which provide protection. Children in institutions are also at increased risk. In many countries, institutions are neither registered nor monitored, making children particularly vulnerable to abuse and exploitation without access to a remedy.

35. Children living in difficult conditions are likely to be tempted by the prospect of living independently, in a bigger city, and earning money and sending money home. Especially for older children, the search for a better life and economic opportunities can prompt risky choices. They may be more prone to accepting solicitations by brokers and potential employers or to migrating on their own, all of which expose them to trafficking and exploitative situations. Some children may also engage in risky behaviours, such as the consumption of drugs and alcohol and

involvement in criminal gangs. Vulnerability is primarily relational. It is highly dependent on the child's situation in a given context, namely, environment, social norms and a variety of possible shocks. An individual child's characteristics only become a source of vulnerability if the child's environment fails to provide a protective framework or contributes to exposing the child to risk.

## 2. Lack of a protective environment

### *Family environment*

36. The vulnerability of children is also a function of their primary caregivers' vulnerability. The family represents the first layer of a protective environment. The family is not limited to biological parents, but includes the extended family and community, as provided by local custom, the foster family, the adoptive family, legal guardians and other persons responsible for the child. When families cannot fulfil their protective role, children are particularly exposed.

37. The reasons are multiple. Parents or other primary caregivers may be absent owing to illness and death, a decision to migrate and leave children behind, work obligations, a divorce or separation, or because they have abandoned the child. They may struggle with difficult conditions and be unable to ensure protection for children and meet their basic needs. Poverty, unemployment, disease, disability and difficulty in accessing social services as a result of discrimination and exclusion affect the ability of parents to care for their children. Families may feel powerless to deal with the problems faced by their children. Communication may be hampered by a lack of intergenerational understanding. Other dysfunctions, such as mental or behavioural disorders, conflict, substance addiction and domestic violence, weaken the capacity of families to provide a harmonious and protective environment and make children more likely to engage in risky behaviours in order to escape an unwelcoming context. Often, the same family experiences multiple strains simultaneously.

### *Sociocultural environment: community and social norms*

38. The 2006 *World Report on Violence Against Children* highlighted that the community is an essential dimension of a protective environment for children. The community comprises both the physical environment and the social norms surrounding children.

39. The physical environment can be an important protective — and risk — factor. The design of public places can create spaces where children are particularly at risk of being abused. Quality of life conditions and the availability of social services are essential elements for stable families and communities.

40. Communities can offer safety nets that support children in difficult situations. The willingness of, and coordination among, community actors to protect children can compensate for the weakness of public institutions. Religious communities can play a protective role by supporting the most vulnerable, having access to family spheres, helping to solve conflicts and promoting a culture of non-violence.<sup>5</sup> Protective social norms, such as importance awarded to education, the promotion of

<sup>5</sup> UNICEF and Religions for Peace, "Conflict, child protection and religious communities: a review and recommendations on enhancing protection through partnership" (July 2010).

responsible sexual behaviours and intergenerational communication, can help to prevent risky conduct.

41. However, the family and community can be affected by external factors that weaken endogenous protection mechanisms and expose children to risk. In addition to various social issues, these include rapid urbanization, political instability, environmental insecurity and large-scale population movement.

42. Social norms, attitudes and behaviours have significant implication for the sale and exploitation of children. They can increase vulnerability, especially when they lead to discriminatory practices, gender bias, harmful practices and the social acceptance and underreporting of violations. They also influence the functioning of formal institutions and good governance, including public accountability (see E/ICEF/2008/5/Rev.1).

43. Social norms vary significantly across geographic locations and, in many instances, among various groups within a given society.

44. Social standards determine to a large extent the perception of childhood in society. Although the Convention on the Rights of the Child defines a child as a person under 18, communities may consider that pre-puberty signs actually constitute the passage to adulthood, with the social expectations it implies. As a consequence, child victims of sexual exploitation may be seen as guilty of inappropriate behaviour or poor upbringing.

45. A number of social practices are rooted in discrimination against women. Child marriage is entrenched in social and gender norms that significantly affect the well-being of girls.

46. Social norms can make a number of child rights violations acceptable and not recognized as violations. For example, child marriage for the payment of a high dowry is a form of sale, although in some societies it may be considered culturally acceptable. Transactional sex, in which sexual favours are exchanged for other favours, may not be immediately identified as prostitution. Violence against children may be seen as an educational practice. Customary law may also lead to arrangements between families "settling" cases of child sexual violence and exploitation without respect for the rights of the victim.

47. Social norms within children's own communities — through their peers — can also constitute significant risk factors. In the context of exchanges with peers or of relationships, children, especially adolescents, may be tempted to put so-called "self generated indecent images" online, which may then be further disseminated through social media. Children may also make themselves vulnerable through online behaviours that are then exploited by criminals through grooming on the Internet and blackmailing online.<sup>6</sup> Consumerism may draw children into exploitative situations so that they are able to buy specific goods. Early sexualization, conveyed through media and peers, may contribute to risky attitudes and distort perceptions by both children and adults of the criminal nature of child sexual abuse and exploitation.

<sup>6</sup> UNICEF Innocenti Research Centre, *Child Safety Online: Global Challenges and Strategies* (Florence, Italy, May 2012); see also Child Exploitation and Online Protection Centre, *Threat Assessment of Child Sexual Exploitation and Abuse* (London, June 2012).

48. Underlying attitudes about male entitlement and masculinity can foster the perverse notion that it is acceptable for men to sexually exploit children, either in their own countries or abroad. Such attitudes are further reinforced when buying sex from a child is socially acceptable and entails neither social stigma nor serious legal punishment.

49. Such social norms are mutually reinforcing and contribute to strengthening social tolerance for the sale and sexual exploitation of children. Gradually, the sexual exploitation of children may become a banal and acceptable phenomenon. Such evolutions do not only tear down the protection offered by the community, which becomes complicit in crime, but also affect the functioning of public institutions, when the police and the judiciary refrain from taking action due to the perceived permissibility of such practices.

*Legal, political and institutional environment*

50. The legal, political and institutional environment, hence the overall governance context, plays a major role in preventing or facilitating the sale and sexual exploitation of children. When the legal framework is incomplete, formal institutions are weak and there is no political will and leadership to address the issue, preventive measures will go unheeded, social services will remain inefficient and underresourced, child-sensitive remedies will be non-existent or inaccessible and offenders will continue to operate without fear of being troubled. The effectiveness of child protection systems relies on the broader governance systems incorporating them. All areas of governance have major consequences for the realization of children's rights.<sup>7</sup>

51. An incomplete legal framework, failing to criminalize all forms of sale and sexual exploitation of children, and all roles in the offence, means that offenders will remain unpunished and not deterred from doing harm. Furthermore, laws have an influence on social norms and what is considered acceptable in society.

52. Weak law enforcement, owing to lack of capacity or corruption, leads to a culture of impunity, paving the way for organized crime and the permissibility of abuse. When laws, even where they exist, are not enforced, social tolerance for exploitation is likely to increase.

53. Weak governance has additional effects. In many countries, regulations on institutional care, including norms, the registration and monitoring of centres, do not exist or are not enforced, putting children in care at high risk of abuse and exploitation. Insufficient human resources, owing to insufficient budget allocation and inadequate training, may thwart efforts to identify children at risk or action to prevent harm. Likewise, inefficiencies within agencies responsible for prevention, as a result of ineffective coordination and lack of political leadership, affect their ability to fulfil their mandate.

54. Lack of awareness of legislation is a major deficiency in the protection of children from sale and exploitation. In many instances, the public, teachers, children, as well as law enforcement officials, are unaware that certain acts constitute criminal offences. Typically, sexual exploitation may not be seen as a

<sup>7</sup> UNICEF Innocenti Research Centre, *Child Rights and Governance Roundtable, Report and Conclusions* (Save the Children, Organization for Economic Cooperation and Development, UNICEF, 2011).

crime when it is deemed “consensual”. This also has consequences on the ability of children to claim their rights and to access remedies.

55. Access to remedies for child victims or those at risk remains a significant challenge. Counseling, reporting and complaint mechanisms are frequently unavailable or difficult to reach. Limited access to justice for children, especially the most vulnerable, is often the result of a lack of child-sensitive rules and proceedings, and inadequate staff specialization. Research on independent human rights institutions for children has pointed to the limited accessibility of such institutions to children across regions. Independent institutions also meet with significant difficulties in monitoring the situations of children in closed settings.<sup>8</sup>

Children may simply not know that remedies exist and how to access them. In particular, in situations where governance systems are fragile, children may not trust existing mechanisms and may think that complaining will be useless if, for example, institutions in the country are regarded as inefficient. They may fear stigmatization, public exposure and reprisals, and worry that they will not be listened to or believed. Because abuse is often committed by people in their immediate environment, children may be hesitant to file a complaint against someone they know.

#### *Socioeconomic environment*

56. Poverty is too often considered the primary cause of the sale of children, child prostitution, and child pornography. Poverty does have an impact on families and communities by creating stresses that weaken the family and social fabric and driving children away from their homes in search of better opportunities. However, poverty alone is not the sole driver of the sale and exploitation of children. Children in equally poor situations may not be at similar risk of exploitation. Research has shown that child victims of exploitation are typically from families experiencing high levels of poverty and single or persistent negative shocks, such as drought, loss of employment, death or the severe illness of a family member.<sup>9</sup> The “poverty plus” approach underlines that poverty combined with other risk factors increases vulnerability.<sup>10</sup>

57. Poverty is not merely a monetary, absolute concept. Relative poverty emphasizes the fact that poverty is defined within a given context. It highlights the disparities that may exist within the same country or area, in particular between urban and rural areas, but also in the same location. Poverty is further defined in terms of the deprivation of basic needs, such as shelter, water, education, sanitation, information, and health. Poverty therefore stems from a lack of access to social services.<sup>11</sup> It is closely correlated with social exclusion and the inability of the State and community to fulfil children’s rights.

<sup>8</sup> UNICEF Office of Research — Innocenti, *Championing Children’s Rights: A Global Study of Independent Human Rights Institutions for Children* — Summary Report (Florence, Italy, 2012).

<sup>9</sup> UNICEF Regional Office for West and Central Africa, “Promoting synergies between child protection and social protection” (UNICEF and Overseas Development Institute (ODI), 2009).

<sup>10</sup> ILO, UNICEF, United Nations Global Initiative to Fight Human Trafficking, *Training Manual to Fight Trafficking in Children for Labour, Sexual and Other Forms of Exploitation* (Geneva, International Labour Office, 2009).

<sup>11</sup> D. Gordon and S. Nandy, “Measuring child poverty and deprivation”, in A. Minujin and S. Nandy (eds.), *Global Child Poverty and Well-being: Measurement, concepts, policy and action* (Bristol, United Kingdom, The Policy Press, 2012).

58. Poverty and deprivation can lead communities, families and children to adopt coping mechanisms involving children in income-generating strategies. Unless adequate protective mechanisms are in place, these strategies can expose children to exploitative situations, which may become justified as inevitable.

#### *Environmental factors*

59. Shocks in the broader context may also contribute to putting children at risk. Drought or conflict, for instance, may break down governance systems, disrupt families and drive families and children away from their environment, increasing their vulnerability. Studies on the impact of climate change and natural disasters on children have underscored their effects on the sale and sexual exploitation of children.<sup>12</sup>

### **3. Increased demand**

60. The sale and sexual exploitation of children are largely demand driven. Demand creates the conditions for exploitation.

61. Demand is a function of various dimensions. Although growth is often understood as a positive development that reduces exposure by lowering poverty, it can also introduce new risks.<sup>13</sup> Increased wealth in some areas may create new local demands for child prostitution and other forms of sexual exploitation.

62. Sex tourism is a case in point. The development of tourism in certain areas has prompted a demand for transactional sex, putting children at risk of prostitution and sexual exploitation. The increased availability of cheap travel, the growth of international tourism and discrete online booking, further facilitate those deeds.

63. Contrary to popular misconceptions, in which the demand for sex with children is seen as coming from pedophiles alone, the demand is mostly generated by people who pay for sex. There is therefore no specific profile of the child sex exploiters since they can be from different socioeconomic backgrounds and professions, and include nationals and foreigners alike.

64. Increased integration of a country into the global economy facilitates organized crime. Transnational criminal companies use the tools offered by globalization — for registration and financial transactions — to develop lucrative activities involving the sex industry and creating new risks for the sexual exploitation of children through trafficking and pornography.

65. Although they provide tremendous positive opportunities, communications technologies, including the Internet and mobile phones, represent major vehicles through which the sale of children, child prostitution and child pornography are facilitated. Estimates indicate that millions of images of child abuse circulate on the internet, depicting tens of thousands of individual children,<sup>14</sup> and these images are increasingly shocking. The use of specific instruments, such as peer-to-peer

<sup>12</sup> See, for example, K. Harris and K. Hawrylyshyn, "Climate extremes and child rights in South Asia: a neglected priority", Project Briefing No. 78, (ODI and Plan International, October 2012).

<sup>13</sup> J. Kaplan and N. Jones, "Protect my future: the link between child protection and employment and growth — in the post-2015 development agenda" (ODI, May 2013).

<sup>14</sup> UNICEF Innocenti Research Centre, *Child Safety Online: Global Challenges and Strategies* (Florence, Italy, December 2011).

networks, has made it easier to exchange pornographic material. There has also been a significant increase in grooming children on the Internet for sexual purposes through chat rooms, social networking sites and instant messaging. Once online, images can rarely be deleted and keep circulating. It is therefore essential that the wide array of private actors that operate in this field be included in the design and implementation of preventive tools.

66. The demand for adoption has augmented concomitantly with a decrease in adoptable children, creating conditions for abuse, corruption, excessive fees amounting to sale, and the illegal adoption of children. Data from European countries shows that there has been a decrease since 2004 in intercountry adoptions, in particular owing to better child health, effective family policies, the strengthening of legal and institutional frameworks and the concerns of countries for their international image. Conversely, demand for adoption has not dropped, creating an environment conducive to abuse and leading to pressure on countries of origin, including through excessive costs by adoption agencies, bribes and corruption.<sup>15</sup>

#### **D. Effective and sustainable prevention**

67. The complex nature of vulnerability calls for a holistic approach to prevention that takes into account the multiplicity of risk factors at the local, national and transnational levels, and targets the most vulnerable children, while ensuring a protective environment for all. The approach builds on the interdependence and indivisibility of all children's rights and involves a vast array of stakeholders that need to coordinate their action effectively. Distinct preventive measures can only be effective in conjunction with one another. They are all indispensable and interrelated elements of the protective chain and are integral to child protection systems.

##### **1. Reliable and effective legal framework**

68. The normative framework plays a critical role in prevention. Laws and regulations represent the foundation of child protection systems. It is therefore critical that the legal framework encompass all forms of the sale of children, child prostitution and child pornography in order to prevent offenders from using legal loopholes as a leeway for criminal activities. Such a legal framework would also encompass a condition for victims to be recognized as such and enable them to benefit from remedy, assistance and redress.

69. The first step is to ensure that legislation properly reflects the definitions formulated in international standards, including their child-specific aspects. The legal framework must incorporate all relevant provisions under civil, criminal and administrative law in order to guarantee that offenders are punished and victims adequately protected. Provisions in relation to the age of the victim need to ensure that children, including adolescents, enjoy appropriate protection. International instruments provide crucial guidance on the legislative measures to be adopted to address the sale and exploitation of children. The Optional Protocol on the sale of children, child prostitution and child pornography obliges States parties to ensure

<sup>15</sup> European Network of National Observatories on Childhood, *National Experiences on the Management of the Demand for Intercountry Adoption* (Florence, Italy, ChildONEurope Secretariat, 2012).

that, as a minimum, the list of offences contained in the Protocol are fully covered under domestic criminal law. The Optional Protocol also requires extraterritorial jurisdiction to address such crimes. It further requires the prohibition of the production and dissemination of material advertising the offences. It provides for the rights of victims to assistance, redress and compensation.

70. Similarly, laws on national and intercountry adoption need to be in line with the relevant provisions of the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. They need to be complemented with adequate bodies for accreditation and the monitoring of practices.<sup>16</sup>

71. The Protection Project at Johns Hopkins University and the International Centre for Missing and Exploited Children have developed a model law for child protection, building on best practices from 68 countries across the world. A specific chapter is devoted to various aspects of child sexual exploitation.<sup>17</sup> The Special Rapporteur has also provided in her reports clear guidelines on comprehensive legal frameworks for integrating child protection systems (see, for example, A/66/228).

72. Access to justice for children is an important dimension of prevention. An effective judiciary and strong rule of law deter criminal offences. They prevent reoffending by taking action against criminals. They also help to ensure that children and families can claim their rights and entitlements, including in relation to the fulfilment of their economic and social rights, such as benefits and access to health and education, which are essential to reducing vulnerability.

## 2. Child-sensitive complaint mechanisms

73. Access to child-sensitive remedies is a core element for the prevention of the sale and sexual exploitation of children. Such remedies include the justice system, independent human rights institutions for children, such as human rights commissions, ombudspersons and child advocates, and community-based mechanisms.

74. Independent human rights institutions for children can play an important role in prevention. While criminal proceedings require the commission of an offence before they can act, independent institutions have the possibility to take action before harm happens. They can do so through their complaint mechanism, by addressing individual cases in which a child may be at risk. They also have an important function in monitoring settings, such as care institutions, schools and detentions centres, where children may be at particular risk of abuse. Community-based mechanisms can also support access to remedies.

<sup>16</sup> Hague Conference on Private International Law, *The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention: Guide to Good Practice* (2008).

<sup>17</sup> The Protection Project and International Centre for Missing and Exploited Children, "Child protection model law: best practices — protection of children from neglect, abuse, maltreatment and exploitation" (Johns Hopkins University, January 2013).

### 3. Protective social norms for children

75. Social change is a major instrument in the prevention of the sale and sexual exploitation of children. Research has shown however that increased awareness of risks does not automatically lead to fewer instances of risky behaviour, unless behaviour change is perceived positively. Behaviour change therefore relies on the existence of an opportunity, ability and skills, and incentives. It needs to involve potential victims, as well as communities, exploiters, policymakers and customers.<sup>18</sup> The media, including social media, can play a significant role in conveying information and messages regarding social norms and in contributing to changing attitudes.

76. In many instances, endogenous social norms act as a shield against the sale and exploitation of children. The values communities abide by, including unacceptability of some behaviours and importance awarded to education, can be powerful protective factors. Community leaders, especially elders, can play an important role in monitoring and addressing the exposure of children to risk. However, little research has been undertaken to identify endogenous protective practices and build on them to enhance protection and resilience. This is an area that holds significant potential and would benefit from receiving greater attention.

### 4. Social policies, strengthening of the family and access to social services

#### *Support for families*

77. When parents are able to care for their children, provide for their needs and offer a harmonious environment for their development, children are less likely to be abandoned, run away from home or adopt risky behaviours.

78. Family policies and support for parenting, in particular, are therefore critical to addressing risk factors for the sale and exploitation of children. The Convention on the Rights of the Child and the Guidelines for the Alternative Care of Children (resolution 64/142, annex) emphasize the importance of family support, including in addressing the root causes of the separation of children from their families.

79. Measures aimed at strengthening families are broader than cash transfers and other forms of financial support. They include a wide array of services ranging from housing to childcare and psychosocial support and counselling. Family strengthening has positive effects beyond the protection of children from exploitation; it is also beneficial for the socioeconomic development of societies as a whole.<sup>19</sup>

#### *Social protection*

80. The links between social protection and child protection have received increased attention as an important approach to prevention. Social protection includes four main sets of tools:

<sup>18</sup> P. Marshall, "Rethinking trafficking prevention: a guide to applying behaviour theory" (Asian Development Bank, Coordinated Mekong Ministerial Initiative against Trafficking and United Nations Inter-Agency Project on Human Trafficking, 2011).

<sup>19</sup> See Save the Children, *Strengthening Families: Save the Children Programs in Support of Child Care and Parenting Policies* (Stockholm, 2012); and Eurochild, *Early Intervention and Prevention in Family Support and Strengthening: Compendium of Inspiring Practices* (October 2012).

- (a) Transfers to poor children and households over the long run, such as cash transfers, school feeding programmes and free access to health services;
- (b) Social services for marginalized children;
- (c) Social insurance to protect children and families against shocks;
- (d) Social equity measures to protect children and families against discriminatory practices and their impact.<sup>20</sup>

81. Using a human rights-based approach, the Social Protection Floor Initiative, a United Nations joint initiative led by ILO and the World Health Organization (WHO), acknowledges the importance of social justice for human dignity and social cohesion and emphasizes the right of everyone to an adequate standard of living, paying particular attention to vulnerable groups and the protection and empowerment of people across the life cycle. This includes (a) universal access to social services; and (b) transfers in cash or in kind to ensure minimum income and livelihood security.

#### *Birth registration*

82. Birth registration is an important protective mechanism. It ensures that the child's existence is recorded and provides evidence of the child's age and nationality. Obstacles to birth registration are multiple. They range from lack of awareness and incentives, to geographical, ethnic and social, economic, and legal barriers. They also include complex bureaucratic procedures.<sup>21</sup> A primary requirement is adequate legislation, making birth registration free and mandatory, with relevant time limits enabling people in remote areas to access the registry. Legislation needs to encourage the use of birth certificates, rather than focus on penalties as an incentive. It is also important to address possible discriminatory provisions, such as the ability for women to register the child and acceptance of names belonging to a minority or indigenous culture.<sup>22</sup>

#### *Access to quality schooling*

83. Access to quality education represents a significant preventive measure. As highlighted by the Committee on Economic, Social and Cultural Rights in its General Comment No. 13, education plays a vital role in safeguarding children from exploitative and hazardous labour and sexual exploitation. Children in school are in a protected environment. Socialization and the presence of adults make them part of a protective network, where vulnerable children can be identified and the absence of children noticed and reported. Yet, lack of awareness of what constitutes abuse and a lack of available remedies can pose major limitations. For this reason, teachers need to be trained to identify vulnerabilities and take action to prevent and report abuse. For the education system to retain children, schools must be accessible, and the education provided must be of high quality and geared towards building relevant skills for future employment.

<sup>20</sup> Nicola Jones and Rebecca Holmes, "Tackling child vulnerabilities through social protection: lessons from West and Central Africa", Background note (ODI, July 2010).

<sup>21</sup> Claire Cody, *Count Every Child: The Right to Birth Registration* (Plan International, 2009).

<sup>22</sup> UNICEF Innocenti Research Centre, "Birth registration: Right from the Start", *Innocenti Digest*, vol. No. 9 (March 2002).

84. The school is also a central setting for sensitizing children to the risks of sexual exploitation. Incorporating child protection issues into school curricula enables schools to provide children with the tools to protect themselves from abuse and exploitation.

85. An existing challenge, however, concerns the fact that sexual exploitation can also occur in schools. Appropriate policies and mechanisms need to be in place in order to prevent and report abuse within the school.

## 5. Cross-sectoral coordination and cooperation

86. The multidimensional nature of child vulnerability to sale and sexual exploitation requires significant cooperation among actors operating in diverse sectors and at various levels — local, national and transnational, public and private — for effective prevention. Effective prevention requires specific efforts, structures and incentives.<sup>23</sup>

### *Coordination at the domestic level*

87. The various preventive measures need to be integrated and coherent, hence the importance of adopting a comprehensive strategy and going beyond legalistic aspects.<sup>23</sup> The role and responsibilities of each actor/institution, as well as accountability mechanisms have to be clearly established. Yet, political will and leadership are also critical to ensuring that coordination is achieved.

### *Transnational cooperation*

88. The highly transnational nature of the sale and sexual exploitation of children, which frequently entails children being transferred from one country to another and often involves transnational criminal networks, calls for coordinated preventive measures across countries, in particular neighbouring countries. Compliance with international standards plays an important role in ensuring a common understanding of the nature of the crimes and fosters cooperation among countries.

89. Transnational cooperation may be bilateral or multilateral. It often, but not exclusively, takes place among countries within the same region or subregion. Cooperation ranges from border control and the verification of travel documents to cooperation among law enforcement authorities and joint preventive programmes, including harmonization of legislation, sharing of information and learning from good practices.

90. INTERPOL supports the exchange of information among law enforcement authorities across countries. It has set up a system of “green notices”, issued to provide warnings and criminal intelligence about perpetrators, who are likely to repeat crimes in other countries. INTERPOL also coordinates joint operations between multiple countries to track down offenders.<sup>24</sup>

<sup>23</sup> B. Guy Peters, “Governance and the rights of children: policy, implementation, monitoring”, UNICEF Office of Research Working Paper (June 2012).

<sup>24</sup> See <http://www.interpol.int/en/Internet/Crime-areas/Crimes-against-children/Sex-offenders>.

## 6. Child empowerment and participation

91. Hearing children's views is a state obligation under the Convention on the Rights of the Child. It is also critical to make prevention effective by identifying the concrete problems children face and designing adequate solutions. It also plays an important role in helping to break taboos, question social acceptance of abuse and influence social norms. Children can play an active role in sensitizing their peers on risky behaviours and the realities of sexual exploitation. By supporting children to exercise of their rights, child participation also contributes to their empowerment, enhancing their ability to resist exploitation, report violations, and builds resilience.<sup>25</sup> In its General Comment No. 13, the Committee on the Rights of the Child has highlighted that children need to be fully involved in prevention strategies for their protection from violence.

92. Specific activities to promote child participation in order to prevent sale and exploitation include:

- (a) Information campaigns and access to information through the media, the Internet and hotlines;
- (b) Awareness-raising with parents to address possible discrimination against girls and to promote the child's right to be heard;
- (c) Development of professional codes and training;
- (d) Development of complaint procedures, including in institutions where children spend time;
- (e) Involvement of children in research on prevention;
- (f) Avenues for participation that are age and gender appropriate and accessible for children with disabilities.<sup>26</sup>

## 7. Child protection during humanitarian crises

93. During humanitarian crises following natural disasters or climate-related catastrophes, child-friendly and safe spaces should be established in temporary shelters or camps where every child can rest and play with a sense of normalcy and receive care and support under the supervision of trained professionals and appropriate security. Temporary shelter arrangements and the delivery of basic services should be established with a view to avoiding the accidental separation of children from their families.

94. National or international adoptions should not be permitted until a determination has been made by the State or appropriate authorities regarding the legal eligibility, psychological, medical and social suitability of the child to be adopted.

<sup>25</sup> Carolyn Willow, *Children's Right to be Heard and Effective Child Protection: A Guide for Governments and Children's Rights Advocates on Involving Children and Young People in Ending All Forms of Violence* (Sweden, Save the Children, 2010).

<sup>26</sup> Gerison Lansdown, *Every Child's Right to be Heard: A Resource Guide on the United Nations Committee on the Rights of the Child General Comment No. 12* (London, Save the Children UK and UNICEF, 2012).

## 8. Strategies to tackle demand

### *Adoption*

95. Strategies to prevent illegal adoptions include better cooperation between receiving countries and countries of origin, especially with respect to applications, through operational protocols and guidelines in order to ensure joint responsibility.

96. In adoption processes, priority should be given to relatives or individuals within the child's community or culture. International adoption should only be undertaken as a last resort and in compliance with the 1993 Hague Convention on Intercountry Adoption.

97. Limiting the number of adoption agencies is also an important step. Furthermore, information sessions in receiving countries for prospective parents play an important role in curbing the demand for adoption.<sup>15</sup>

### *Sexual exploitation*

98. Addressing demand for child sexual exploitation implies a combination of interventions ranging from law enforcement to social change. Strategies include:

(a) Changing attitudes towards the use of prostitution, especially building on the feeling of guilt reported by buyers of sex, addressing concepts of masculinity and engaging men as full actors in attitudinal change;

(b) Shaming buyers by publicizing names and pictures of offenders, bearing in mind that such strategies need to protect the rights of victims, in particular in respect of privacy and confidentiality;

(c) Prosecution of perpetrators, owing to adequate legal frameworks and effective law enforcement mechanisms;

(d) Efforts targeted at young people in order to educate them on the consequences of their actions;

(e) Awareness-raising programmes for sex buyers;

(f) Codes of conduct for staff of international organizations, Governments and the military, including peacekeepers, comprising the duty to report abuse and exploitation.<sup>27</sup>

99. Targeting offenders is a particularly critical mechanism in deterring recidivism. Actions in that respect include sociotherapeutic treatments for sex offenders and increased security measures, adequate evaluations of alternatives to punishment, and strict reporting practices when perpetrators are released into the community.<sup>28</sup>

## 9. Effective corporate social responsibility

100. The involvement of the business sector needs to be integral in prevention strategies. The Committee on the Rights of the Child has issued General Comment

<sup>27</sup> Ruth Rosenberg, "Tackling the demand that fosters human trafficking: final report" (USAID, August 2011).

<sup>28</sup> ECPAT International, "Guide for national planning: To prevent, stop and redress violations of commercial sexual exploitation of children" (2009).

No. 16, on State obligations regarding the impact of the business sector on children's rights, and which sets out measures to be taken by State parties in that regard.

101. Corporate social responsibility has received increased attention in recognition of the business sector's role in upholding and promoting human rights.<sup>29</sup> In that context, the Children's Rights and Business Principles (2012) developed by UNICEF, the United Nations Global Compact and Save the Children, highlight the double nature of the role of the business sector with regards to children's rights:

(a) The corporate responsibility to respect the human rights of others, including children, by avoiding infringements and addressing the human rights impact of business activities;

(b) The corporate commitment to support children's rights through voluntary actions such as business activities, social investments and philanthropy, advocacy and public policy engagement, and involvement in collective action.

102. Both dimensions are of decisive relevance for the prevention of the sale and exploitation of children.

#### *Child safety online*

103. In several countries, laws establish the responsibility of Internet service providers, in particular through penalties for such providers and domain hosts who do not report child pornography to the police, and obligations for Internet service providers to prevent the dissemination of child pornography material and report cases and abuser's data to the police.

104. In response to risks, various strategies have been adopted for prevention, including hotlines established by States, non-governmental organizations and Internet service providers. Some have an international scope, such as the Association of Internet Hotline Providers, a network of 44 hotlines in 38 countries, where the public can report child sexual abuse.<sup>30</sup> Several websites used by children have also added abuse alert buttons for children to report illicit content or sexual solicitation.

105. A number of Internet service providers and mobile phone operators have adopted codes of conduct for self-regulation. In 2007, leading mobile phone operators and content providers in the European Union signed the European Framework for Safer Mobile Use by Younger Teenagers and Children, committing to filtering content, carrying out awareness-raising campaigns and classifying commercial content for decency.<sup>31</sup>

106. Search engines also contribute to eradicating child abuse images online. Since 2008, Google has identified duplicates of abuse images online. It has recently started to incorporate encrypted "fingerprints" of child sexual abuse images into a

<sup>29</sup> See Office of the United Nations High Commissioner for Human Rights, *The Corporate Responsibility to Respect Human Rights: An Interpretative Guide* (New York and Geneva, 2012).

<sup>30</sup> See <http://www.inhope.org/gns/about-us/about-inhope.aspx>.

<sup>31</sup> UNICEF Innocenti Research Centre, *Child Safety Online* (see footnote 14).

database to support collaboration among companies, law enforcement authorities and charities.<sup>32</sup>

#### *Involving the financial sector*

107. The sale and sexual exploitation of children is very lucrative. One way to prevent crime and identify offenders is by impeding financial flows and money-laundering activities by perpetrators, who use wire remittance services, money transfer services, cash couriers, false identification documents and cash sent by different persons to the same recipients as laundering techniques.<sup>33</sup> Cooperation with the financial sector is therefore critical.

108. The Financial Coalition against Child Pornography in the United States of America, for example, is an alliance between the public sector and leading banks, credit card companies, electronic payment networks, third party payments companies and Internet service companies, which together representing nearly 90 per cent of the payment industry in the country, aiming to combat child pornography. The model has expanded worldwide. A similar coalition was created in the Asia and Pacific region. In 2012, the European Financial Coalition against Commercial Sexual Exploitation of Children Online was launched, with support from the European Commission.

#### *Responsible tourism*

109. The tourism and travel industry — airline companies, hotels and other services used by travelers — is an important partner in the prevention of child sexual exploitation.

110. The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism was sponsored by ECPAT following the World Congress against Commercial Sexual Exploitation of Children held in Stockholm in 1996. It is an industry-driven, multi-stakeholder initiative. Signatories commit to taking a set of actions to prevent child sexual exploitation, including ethical policies, staff training, special clauses in contracts with suppliers and information for travelers and locals involved in the tourism industry. Currently, more than 1,000 companies, including leading travel and tourism companies, are members of the Code. An evaluation of the Code has found that it has been instrumental in raising the profile of the problem of sexual exploitation of children, even beyond the travel and tourism industry.<sup>34</sup>

### **10. Data and knowledge**

111. In order to address the root causes of the sale and sexual exploitation of children, evidence on the extent of the phenomenon, its drivers, including the profiles of victims and abusers, and the effectiveness of responses, need to inform preventive measures. This requires solid data collection systems. However, the hidden nature and limited reporting of violations make it difficult to collect reliable

<sup>32</sup> Ibid.

<sup>33</sup> Financial Action Task Force, "Money laundering risks arising from trafficking in human beings and smuggling of migrants" (Financial Action Task Force and OECD, July 2011).

<sup>34</sup> UNICEF Innocenti Research Centre, "Assessing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism: a discussion paper" (2012).

information through official systems. Therefore, data also needs to be gathered through primary, qualitative research that seeks to reveal the dynamics at stake in a given context.

112. Data on abusers is very limited. Where it exists, it points to the fact that there is no specific profile. It is very often someone the child already knows. Sex tourists, for instance, come from all walks of life, age, gender, marital status and socioeconomic backgrounds.<sup>35</sup>

113. Several studies have been carried out in various parts of the world to assess the nature and origin of child sexual exploitation. They often involve interviews with members of communities, including children. These studies are critical to understanding the complexity of problems and formulating evidence-based prevention strategies.

114. Research on child sexual abuse in the eastern Caribbean, for example, has helped to provide an understanding of the ways people in the area perceive sexual abuse and has highlighted the role of social norms and early sexualization in the social acceptance of abuse.<sup>36</sup>

115. Research on children who have been exploited or sold needs to identify the characteristics of victims, in order to identify particularly vulnerable children. Data may find that children from a specific ethnic group or from a particular geographic location are overrepresented among victims. Prevention initiatives will then have to focus on a given area and use instruments that are culturally sensitive to the group concerned.

## 11. Monitoring and assessment

116. Monitoring and assessing preventive interventions facilitates an evaluation of the strategies that have an impact and leads to appropriate adjustments to strengthen effectiveness. Such interventions help to build knowledge on positive practices that can be disseminated, with relevant adaptations in various contexts. Furthermore, responses to the sale and sexual exploitation of children consist in addressing specific, identifiable — even if often hidden — problems. In contrast, prevention concentrates on the possibility for harm to occur. Consequently, it is a much less tangible concept, whose effectiveness is measured by default, namely, by the actions that do not happen. Because it is less visible in political terms, it is even more important to build evidence on what works and to consistently demonstrate the relevance of actions.

117. WHO has developed a tool to assess the readiness of a country, province or community to implement prevention programmes. Although primarily focused on child maltreatment, it offers useful insights for the design of preventive strategies. The instrument aims to identify major gaps in readiness in order to address them,

<sup>35</sup> International Bureau for Children's Rights, "Combating child sex tourism by involving the Canadian private sector of travel and tourism and the Canadian public: raising awareness against child sex tourism in Canada — 2009-2012".

<sup>36</sup> Adele D. Jones and Ena Trotman Jemmott, "Child sexual abuse in the eastern Caribbean: report of a study carried out across the eastern Caribbean during the period October 2008 to June 2009 — perceptions of, attitudes to, and opinions on child sexual abuse in the eastern Caribbean".

measure progress, allocate adequate resources, ensure the relevance of interventions and raise awareness with main stakeholders.<sup>37</sup>

### **III. Conclusions and recommendations**

#### **A. Conclusions**

118. Prevention is a central aspect to the protection of children from sale and sexual exploitation, yet one that is too often neglected. Designing and implementing prevention strategies are challenging. Preventive measures need to cover a large spectrum of issues at various levels in an integrated and holistic manner. They require a supportive social, economic and cultural environment and unabated political will. Knowledge on risk and vulnerability remains limited. The identification of good practices and a clear understanding of which interventions work and why is even scarcer.

119. Despite many efforts undertaken at different levels by various actors, much remains to be done to prevent scores of children from being sold and sexually exploited, and child abuse materials from being produced, used and disseminated. Each day, more children become the victims of such crimes and have their childhood stolen. There is an urgent need to accelerate the development of effective and sustainable prevention measures.

120. Importantly, prevention approaches seek to promote systemic change that cannot happen overnight. Prevention involves processes that need to be carried out over many years. Consequently, commitment to the issue, namely political will, programme implementation, and the allocation of resources, should ensure the sustainability of efforts in the long run, including, and in particular, in difficult times.

#### **B. Recommendations**

121. In order to prevent the sale of children, child prostitution and child pornography effectively, there is a need to elaborate and implement integrated and holistic prevention strategies that fully take into account the multidimensional nature of vulnerability and address the multiple risk factors that come into play and expose children to sale and sexual exploitation. Such comprehensive, proactive and context-specific prevention must be an integral part of comprehensive and child rights centred protection systems, in compliance with international standards. The preventive strategies are an integral part of those systems and are built on a systemic approach to child protection that recognizes the interrelatedness of the various elements of the child protection systems, including laws, policies, regulations, and services, and the way they interact within a given sociocultural and economic context. The ultimate objective is to build a protective environment around children, by

<sup>37</sup> WHO, Handbook for the readiness assessment for the prevention of child maltreatment (RAP-CM) (2013). See also WHO, "Technical report on the assessment of readiness to implement the evidence-based child maltreatment prevention programmes of Brazil, the former Yugoslav Republic of Macedonia, Malaysia, Saudi Arabia, and South Africa" (2013).

enhancing the capacity of various actors, namely, families, communities, public institutions, the private sector, the media and academia, in order to effectively protect children from harm.

122. To that end, the Special Rapporteur recommends the following actions:

(a) Improve the knowledge and understanding of the complex, multidimensional and evolving aspects of the sale and sexual exploitation of children, through:

(i) Conducting field studies on risk factors in specific contexts, as well as deepening an understanding of how these factors intersect and affect vulnerability. Although each situation involves a unique combination of elements, improved research on the dynamics at play among risk factors is critical to designing and advocating for effective prevention strategies;

(ii) Analysing the issue of the demand: information on the motivations of offenders and the rationale for reoffending would be essential in order to ensure that preventive measures targeting demand are relevant;

(iii) Establishing a reliable and standard information system and sharing information, with a view to allowing a regular assessment of the evolution of the situation of the vulnerable;

(b) Ratify all -relevant regional and international instruments and establish a comprehensive and strong legal framework, embracing both civil and penal laws that prohibit, prevent and respond to all forms of the sale and sexual exploitation of children; Ensure easy access to child sensitive justice complaints and reporting mechanisms and establish strong and effective mechanisms to fight corruption and impunity;

(c) Ensure that children's births are registered; and ensure that vulnerable children are identified early and that they have an adequate standard of living and free access to health care and health services, education and social security;

(d) Strengthen families and reinforce their capacity to prevent the sale and sexual exploitation of children, putting in place a range of measures aimed at offering quality services, parenting support and social protection, in order to help families to overcome the difficulties they may be facing and to ensure that they receive adequate assistance to fulfil their child-rearing responsibilities;

(e) Identify and promote endogenous protective social norms in the community in order to increase community ownership and the cultural appropriateness of prevention strategies; and conduct regular awareness-raising campaigns to combat harmful social norms;

(f) Involve and empower children and youth, giving them the opportunity to have their views heard and their proposals taken into consideration in the prevention strategies;

(g) Enhance corporate social responsibility involving Internet service providers, telecommunications, financial companies, the travel and tourism industries and the media in order to strengthen child safety online and to prevent child sexual exploitation in travel and tourism;

(h) Enhance transnational cooperation by establishing a comprehensive and global legal framework, preventing, prohibiting and protecting children from sale and sexual exploitation; sharing and updating information related to child victims and offenders, establishing a global list of offenders and websites displaying child pornography, which would be constantly updated; harmonizing practices and procedures; and sharing expertise and scaling up good practices;

(i) Establish regular assessments and monitoring in order to systematically and adequately assess the impact of preventive interventions and ensure that measures effectively contribute to reducing the exposure of children to risk and victimization; ensure that logical frameworks for interventions, linking interventions to outcomes and highlighting causalities, are reviewed and assumptions questioned on an ongoing basis, and constantly refine indicators and data collection and analysis and adapt them to new forms of exploitation and abuse.